

MT LEGISLATIVE HISTORY

Chapter 496 1983

Bill H 575 S _____

Original bill & hist. ✓ C

H. Committee on Ind.

S. Committee on Ind.

Hearing Date(s) 2-10 ✓ C

Hearing Date(s) 3-7 ✓ C

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Date Out _____ C

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Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

HOUSE BILL NO. 575
INTRODUCED BY DEBRUYCKER

IN THE HOUSE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
FEBRUARY 16, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 18, 1993	ENGROSSING REPORT.
FEBRUARY 19, 1993	THIRD READING, PASSED. AYES, 94; NOES, 2.
FEBRUARY 22, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 30, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 575
2 INTRODUCED BY Rep. Baugher
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
5 RELATING TO FARM MUTUAL INSURERS; REMOVING THE REQUIREMENT
6 FOR DEPARTMENT OF COMMERCE APPROVAL OF INVESTMENTS IN
7 GENERAL OBLIGATION BONDS OR WARRANTS; ALLOWING A FARM MUTUAL
8 INSURER TO INVEST IN CORPORATE BONDS AND MONEY MARKET FUNDS;
9 REVISING THE TYPES OF BUILDINGS ON WHICH A FARM MUTUAL
10 INSURER MAY PROVIDE COVERAGE; AND AMENDING SECTIONS 33-4-403
11 AND 33-4-501, MCA."
12

13 STATEMENT OF INTENT

14 This bill requires a statement of intent because
15 33-4-303(1)(g) directs the commissioner of insurance to
16 define money market fund by administrative rule. In defining
17 the term, the commissioner should take into consideration
18 liquidity, duration, security, and rate of return.
19

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 33-4-403, MCA, is amended to read:

22 "33-4-403. Investments. (1) When so directed by a
23 majority vote of its members present at a duly-called-and
24 held meeting of members, the directors of a farm mutual
25 insurer ~~shall have power to~~ may invest the insurer's funds

1 or any part thereof of the funds in any of the following:

2 (a) bonds or other securities issued by the United
3 States government or by any agency thereof of the United
4 States;

5 (b) bonds or other obligations the payment of the
6 interest and principal of which is assumed or guaranteed by
7 the United States government or any agency thereof of the
8 United States;

9 (c) general obligation bonds or warrants of any state,
10 county, or city, when ~~recommended~~ approved by the
11 ~~commissioner and approved by the department of commerce;~~

12 (d) loans secured by a first mortgage on real estate
13 situated in the state of Montana but subject to the
14 provisions of subsection (3) below;

15 (e) common stock of a domestic insurer formed as an
16 affiliate company to two or more farm mutual insurers for
17 the purpose of offering companion insurance products that
18 farm mutual insurers are prohibited from selling. Such The
19 investment may not exceed one-third of the assets of the
20 farm mutual insurer.

21 (f) corporate bonds that are rated A3 or better by
22 Moody's investor service, inc., or A- or better by Standard
23 and Poor's corporation and that are issued with the full
24 credit of the parent corporation. An investment in corporate
25 bonds may not exceed 20% of the total assets of the mutual

1 insurer, and no more than 5% of the total assets of the
 2 mutual insurer may be invested with one corporation.

3 (g) money market funds as defined by rules adopted by
 4 the commissioner. An investment in money market funds may
 5 not exceed 20% of the total assets of the mutual insurer,
 6 and no more than 5% of the total assets of the mutual
 7 insurer may be invested in a single money market fund.

8 (2) At the time of making any such an investment the
 9 document evidencing the same investment must be stamped with
 10 the name of the insurer with the following notation printed
 11 or written thereon on the document: "Negotiable only upon
 12 the order of the Board of Directors of (naming the
 13 insurer)."

14 (3) No A real estate loan shall may not be for more
 15 than 60% of the appraised value of the real estate securing
 16 the loan, and the appraisal must have been made within 30
 17 days prior to the date of the loan. No-such The loan shall
 18 may not be for a term longer than 10 years. The-foregoing
 19 provisions-shall This subsection does not be--deemed--to
 20 prevent the renewal or extension of loans already made and
 21 shall does not apply to real estate loans which that are
 22 insured under the provisions of any act of the congress of
 23 the United States or to the making, extension, or renewal of
 24 any loans which that are made under subchapter II of the act
 25 of congress known as the "Servicemen's Readjustment Act of

1 1944", or any amendment thereof or supplement thereto, as to
 2 any part of such the loans, nor-shall-such-provisions-be
 3 deemed-to This subsection does not prevent an insurer from
 4 taking another and immediately subsequent mortgage or deed
 5 of trust when it already holds a first mortgage or deed of
 6 trust on the same real estate or from accepting a second
 7 lien on real estate to secure the payment of a debt
 8 previously contracted in good faith, nor-shall-it This
 9 subsection does not prevent subsequent liens of any kind
 10 from being taken to secure the payment of a debt previously
 11 contracted in good faith when in the judgment of the
 12 insurer's board of directors such the subsequent liens are
 13 necessary further to further secure the payment of any debts
 14 and save the insurer from loss."

15 **Section 2.** Section 33-4-501, MCA, is amended to read:

16 "33-4-501. Insuring powers in general. (1) In respect
 17 to property insurance as defined in 33-1-210, a farm mutual
 18 insurer shall insure against loss or damage by fire or other
 19 casualty only:

20 (a) farm rural dwellings and buildings, including the
 21 usual contents therein, farm livestock, machinery, vehicles,
 22 growing crops, and other forms of farm property owned by a
 23 member of such the insurer or by his the member's spouse;

24 (b) residential dwellings, appurtenant structures, and
 25 personal property owned by a member of the insurer or by the

1 member's spouse and located outside the boundaries of an
 2 incorporated city or town;

3 ~~(b)(c)~~ dwellings and related buildings designed for
 4 occupancy by not over two families, together with the usual
 5 contents thereof, situated in an incorporated city or town
 6 if such the property is owned by a member of the insurer or
 7 by his the member's spouse and if such the member has other
 8 insurance of farm rural property with the insurer ~~for a~~
 9 ~~substantial amount;~~

10 ~~(c)(d)~~ rural schoolhouses and buildings used in
 11 connection therewith with the schoolhouse, rural community
 12 houses, or rural churches, or other rural public buildings.

13 (2) A farm mutual insurer may insure against the
 14 liability risks provided in 33-1-206(1)(b) only to the
 15 extent of the limit of risks provided in 33-4-502(3) and
 16 only if every policy bears on its face in boldface type a
 17 statement that each member of the farm mutual insurer is
 18 subject to a contingent liability under 33-3-411.

19 (3) Except as provided in subsection (1)(c) above, an
 20 insurer may not insure any property not owned by a member or
 21 by his the member's spouse.

22 (4) An insurer may not insure any property situated
 23 within the limits of incorporated towns or cities except as
 24 provided in subsection ~~(1)(b)~~ (1)(c) above and may not so
 25 insure the property unless it has and maintains the surplus

1 funds as required under 33-4-401."

-End-

STATUS SHEET

JUDICIARY COMMITTEE

48 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
537	Providing there may be no deferral of imposition of sentence or suspension of execution of an imposed sentence for certain major crimes.	1/27/83	Rep. Jones	2/7/83	Table	2/9/83
540	Revising geographical application of laws prohibiting driving under the influence of alcohol or drugs; making it offense to drive with blood alcohol concentration more .10.	1/27/83	Rep. Vincent	2/10/83 Rereferred 5/4/83 4/5/83	Do Pass As Amended Senate Amendments Be Not Concurred In	2/17/83 5/4/83 4/5/83
546	Provide for granting of parole by the Board of Pardons if the population at prison or the women's center exceeds design capacity for more than 30 days	1/28/83	Rep. Waldron	2/7/83	Do Pass As Amended	2/8/83
555	Providing assistance to state and local agencies for the furtherance and improvement of local law enforcement, courts criminal prosecution and defense	1/28/83	Rep. Quilici	2/7/83	Do Not Pass As Amended	2/9/83
562	Amending definition of the crime of incest to include any sexual contact w/o consent and to extend the definition to include stepson/daughter not adopted by offender.	1/29/83	Rep. Harper	2/10/83	Do Pass As Amended	2/10/83
575	To provide a lien for medical practitioners and hospitals against payments awarded by the Workers' Comp. Div. for medical services	1/29/83	Rep. Winslow	2/10/83	Do Pass As Amended	2/12/83

V

Judiciary Committee
February 10, 1983
Page Ten

There were no further questions and the hearing on this bill was closed.

HOUSE BILL 575

REPRESENTATIVE LORY, District 99, Missoula, said that this bill would provide a lien for medical practitioners and hospitals against payments awarded by the Workers' Compensation Division for medical services. He indicated that there is a problem wherein when a person gets a settlement for workers' compensation, they may have spent the money elsewhere and the hospitals and the medical practitioners are not paid.

CHAD SMITH, appearing in behalf of the Montana Hospital Association, explained this bill and indicated that they supported it. He said that it would not get to the worker's money that has been awarded to him for loss of time or replacement for his maintenance.

WILLIAM LEARY, President of the Montana Hospital Association, said that this thing is rare, but it does happen and it happens mostly in the disputed cases.

There were no further proponents and no opponents.

REPRESENTATIVE LORY closed.

REPRESENTATIVE DAILY asked if this would apply if a person had another debt at a hospital or a medical facility. REPRESENTATIVE LORY responded that the lien would be only on the worker's compensation and the award for that specific case.

REPRESENTATIVE JAN BROWN asked if a lien would be continued against an estate if the person died. MR. SMITH replied that the lien can only be enforced against the insurance company.

REPRESENTATIVE ADDY advised that workmen's compensation benefits are generally exempt from an attachment; he realizes that they aren't talking about compensation payments per se; they are just talking about that portion of the benefit that is for medical expenses; but

V

Judiciary Committee
February 10, 1983
Page Eleven

he wondered if it would be advisable to rewrite 39-71-701. MR. SMITH responded that they discussed this and this section says that there is no way there can be an assignment, attachment or garnishment, or held in anyway liable for debt. He indicated that there are two types of benefits that are paid (1) the compensation to the workmen and (2) the payment of his medical expenses; and they feel that in 71-3-1114 would cover this.

GARY BLEWETT, Administrator of the Workers' Compensation Division of the Department of Labor and Industry, stated that 743 states that no payments under this chapter shall be assignable, subject to attachment or garnisheed; under the Workmen's Compensation law, both medical payments and compensation payments are included under the term, "payment" and he is concerned that in passing this law without addressing 743, you may very well have created a conflict of interpretation. He understood the point that is being made by Mr. Smith that the intent is to focus on insurers only and not to reach a claimant in any way, whether out of his personal income, his compensation income or to have to go through any of the legal proceedings associated with that lien, but the proposed act says, "(2) This part applies to all payments awarded for medical and hospital services pursuant to the acts referred to"; and he says that he sees a conflict between the two.

MR. SMITH declared that he would not want to argue that point, and suggested that there might be something further in here to indicate that this statute does not apply.

There were no further questions and the hearing on this bill was closed.

HOUSE BILL 562

REPRESENTATIVE HARPER, District 30, Helena, stated that this bill comes to you as a result of actions of concerned citizens and is the result of the Montana Incest Prevention Coalition; at a convention they had in Missoula

Judiciary Committee
February 11, 1983
Page Nineteen

A vote was taken on the DO NOT PASS AS AMENDED motion and it passed with 12 voting aye and 7 voting no. See ROLL CALL VOTE.

HOUSE BILL 575

REPRESENTATIVE JENSEN moved that this bill DO PASS. The motion was seconded by REPRESENTATIVE EUDAILY.

REPRESENTATIVE ADDY presented to the committee some proposed amendments to this bill. See EXHIBIT N. He moved that these amendments be adopted. The motion was seconded by REPRESENTATIVE JENSEN. The motion carried unanimously.

REPRESENTATIVE JENSEN moved that the bill DO PASS AS AMENDED. The motion was seconded by REPRESENTATIVE EUDAILY. The motion carried unanimously.

HOUSE BILL 608

REPRESENTATIVE SPAETH moved that this bill DO PASS. REPRESENTATIVE BERGENE seconded the motion.

The motion carried unanimously.

HOUSE BILL 609

REPRESENTATIVE SPAETH moved that this bill DO PASS. REPRESENTATIVE DARKO seconded the motion.

The committee had copies of some proposed amendments to this bill and REPRESENTATIVE SPAETH moved that the bill be amended as per these amendments. The motion was seconded by REPRESENTATIVE ADDY.

REPRESENTATIVE JAN BROWN commented that on line 23 of the amendment, it changes "destroy" to "return to the dentist"; if what Fritz Behr said was correct and what they intended to do was to make copies and that is why they need the x-ray machine and the film; he indicated that they would copy them and return them to the dentist right then; and then there would not be any need for that amendment, unless it meant the copies of what they did. She thought they would keep those in their file.

February 12, 1983

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 575

First reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A LIEN FOR
MEDICAL PRACTITIONERS AND HOSPITALS AGAINST PAYMENTS AWARDED
BY THE WORKERS' COMPENSATION DIVISION FOR MEDICAL SERVICES;
AMENDING SECTION 71-3-1118, MCA."

Respectfully report as follows: That HOUSE Bill No. 575

BE AMENDED AS FOLLOWS:

1. Title, line 7.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 71-3-1112 AND"

2. Page 1, line 19.

Following: "(1)"

Insert: "without limitation by reason of any provision of
Title 39, chapters 71 and 72"

3. Page 1, following line 24.

Insert: "Section 2, Section 71-3-1112, MCA, is amended to
read: "71-3-1112. Purpose. The purpose of this part is
to establish lien rights for physicians, nurses, and hospi-
tals when a person receiving medical treatment;

(1) is injured through the fault or neglect of another; or

(2) is either insured or a beneficiary under insurance."

AND AS AMENDED
DO PASS

48th

LEGISLATIVE SESSION

COMMITTEE ON Senate Judiciary

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO NOT DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
524	2-14-83	3-15-83	TABLED						
530	2-18-83	3-14-83	3-14-83				3-14-83		
531	3-1-83	3-14-83	3-14-83				3-14-83		
532	3-1-83	3-14-83	3-14-83				3-14-83		
533	2-17-83	3-14-83	3-14-83				3-14-83		
540	3-2-83	3-23-83	3-24-83				3-24-83		
546	2-15-83	3-10-83	3-10-83				3-10-83		
562	2-16-83	3-7-83	3-12-83				3-12-83		
565	3-1-83	3-24-83	3-24-83					3-24-83	
575	2-18-83	3-7-83	3-10-83					3-10-83	
577	2-17-83	3-4-83	3-7-83				3-7-83		
584	2-16-83	3-15-83	TABLED						
588	3-17-83	3-21-83	TABLED						
589	3-3-83	3-7-83	3-7-83						3-7-83
608	2-17-83	3-24-83	3-24-83				3-24-83		
609	2-18-83	3-24-83					3-24-83		

(Use Separate Sheet for Senate, House Bills, and Resolutions)

There being no further discussion, the hearing was closed.

CONSIDERATION OF HOUSE BILL 575: Representative Lory, sponsor, advised that the purpose of this bill is to provide a lien for medical practioners and hospitals against payments awarded by the workers' compensation division for medical services. When an award is made for medical and hospital services, it does not pay for the services as he thinks the workers' compensation division has already done so. The hospital is then forced to bring a civil contract action payment. This bill will give medical practioners and hospitals a more effective way of obtaining payments. An amendment was also distributed which would clear up any question of assignment or attachment of payments (see attached Exhibit "F").

PROPOSERS: Chad Smith, representing the Montana Hospital Association, testified in favor of the bill. He stated that it would protect hospitals and medical providers for services payment. HB575 is not directed against insured workmen. It is directed against the insurer who deliberately avoids making medical payments.

Gary Blewett representing the Workers' Compensation Division, supported the bill. He stated that the amendment would protect a worker against civil actions and require the maintenance of any action against the insurer.

Jim Murry, representing the Montana AFL-CIO, advised that he supports the bill with the proposed amendments.

There being no further proponents, and no opponents, the hearing was opened to questions from the Committee.

Chairman Turnage asked Chad Smith how it would be known that full liability is accepted by the insurer, as stated in the proposed amendment. Chad Smith advised that this would be known through a written statement or a determination by the Division. Chairman Turnage was concerned with the word "accepted" in the amendment and suggested inserting language which would provide that the insurer is fully liable.

George Wood Executive Secretary of the Montana Self-Insurers Association, explained the acceptance of liability. In his words, once payment is made, acceptance is made. He felt the amendment was good.

Chairman Turnage suggested that the word "full" should be stricken from the amendment. He was advised that "full" is needed for situations where only partial payment is made. Chad Smith indicated it is necessary to make sure that the insurer has responsibility.

There being no further discussion, the hearing was closed.

FURTHER CONSIDERATION OF HOUSE BILL 575: The Committee agreed it is necessary to remove the words "fully" and "full" from the amendments proposed by Representative Lory (see Exhibit "F"). Senator Mazurek moved to adopt the amendment with this change. This motion passed unanimously. Senator Mazurek then questioned if subsection (2) of Section 2 should be amended to read "a named beneficiary under the insurance contract." It was agreed that this portion of the bill is complicated and that further consideration should be deferred until a later date.

FURTHER CONSIDERATION OF HOUSE BILL 628: It was agreed that there could be problems making this law retroactive. Since the statute of limitations would be stretched to cover five years, there would be more of a time span to sue someone. It was the consensus of the Committee that if the Committee does do anything, they should amend the bill to require written notice of the right to appeal to be served on the party and the party's guardian. Most Committee members felt this was a bad bill and it would cause everybody who has been involuntarily committed to want their records cleared. It was also suggested that the bill should be amended to provide waiver of the appellate rules which would allow the party to go back to the district court within sixty days. The bill was referred to counsel for review and research.

ADJOURN: There being no further business to come before the Committee the meeting was adjourned at 11:50.

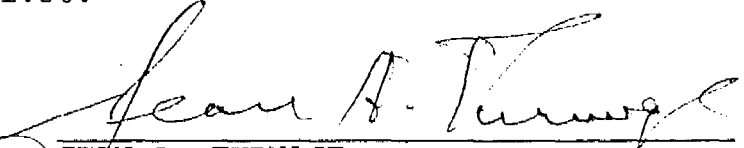

JEAN A. TURNAGE
Chairman, Judiciary Committee

EXHIBIT "F"
March 7, 1983

48th Legislature

HB 0575/03

Amendments

(1) Amend title

Title, line 7.
Following: 71-3-1112
Strike: AND
Insert: ", "

Title, line 7
Following: "71-3-1118,"
Strike: ", "
Insert: "AND 39-71-743."

(2) New material

Page 2.

Following: line 8
Insert: "SECTION 3. SECTION 39-71-743, MCA, IS
AMENDED TO READ:

39-71-743. Assignment or attachment of payments.

(1) No payment under this chapter shall be assignable, subject to attachment or garnishment or be held liable in any way for debts, except as provided in section 71-3-1118, MCA.

(2) After determination that the claim is fully covered under the workers' compensation or occupational disease acts, the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. No fee or charge shall be payable by the injured worker for treatment of injuries sustained if full liability is accepted by the insurer."

ACTION ON HOUSE BILL 234: Senator Shaw moved HB234 BE CONCURRED IN. The Committee discussed their interpretation of "official capacity." It was their consensus that official capacity is well enough defined and Senator Crippen pointed out that whether a person is acting in his official capacity is a fact issue for the court to decide. Senator Mazurek was still concerned with the interpretation of "official capacity" and felt it should be more specifically defined. A vote was taken on the motion and it carried with Senators Halligan, Brown and Mazurek voting in opposition. The Committee further discussed amending the bill on second reading to include "acting at a school board meeting." Senator Mazurek will suggest this to the sponsor.

ACTION ON HOUSE BILL 502: Senator Crippen moved HB502 BE CONCURRED IN. This motion carried unanimously.

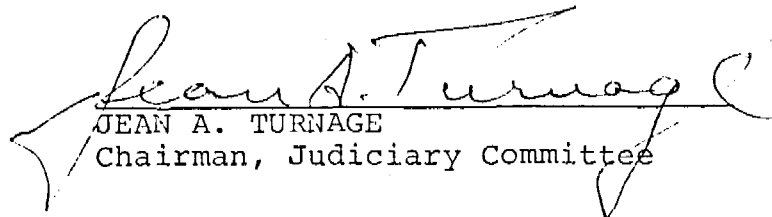
ACTION ON HOUSE BILL 616: Senator Galt moved to adopt the amendments proposed by Senator Tveit (see attached Exhibit "A"). This motion carried unanimously. Senator Crippen moved that AS AMENDED HB616 BE CONCURRED IN. This motion also carried unanimously. It was agreed that Senator Tveit would carry the bill on the floor.

ACTION ON HOUSE BILL 575: The Committee felt there was a problem with respect to the amendment. Once the workermans' compensation carrier accepts a claim medical benefits are paid directly to the hospital. It was agreed that major revisions would be required in order for HB575 to accomplish what its sponsors intended. Senator Mazurek moved to TABLE HB575. This motion carried unanimously.

ACTION ON HOUSE BILL 628: Senator Daniels moved to TABLE HB628 as it would encourage too many law suits. This motion carried with Senator Mazurek voting in opposition.

The Committee agreed that there is merit to requiring written notice to the patient of his rights, and that perhaps something could be done which would speak to this issue.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 11:35.


JEAN A. TURNAGE
Chairman, Judiciary Committee

There being no further questions from the Committee, Representative Waldron closed by stating that he was not happy to have to carry this bill, but he is very concerned with the effects of the overcrowded conditions at the prison.

ACTION ON HOUSE BILL 546: The Chairman announced the Committee was ready to consider executive action on this bill. Senator Mazurek moved HB546 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 272: Senator Daniels expressed concern with how the residents near Swan River Youth Camp will feel about this bill. Senator Halligan moved HB272 BE CONCURRED IN. The motion carried with Senators Crippen, Brown and Daniels voting in opposition.

ACTION ON HOUSE BILL 619: Senator Shaw moved that HB619 BE CONCURRED IN. This motion carried unanimously.

ACTION ON HOUSE BILL 194: All Senators agreed there is a problem with the use of "maximum age." Senator Crippen suggested the term "legal age." Senator Mazurek felt that any change in the term would confuse the electors. Senator Crippen moved that HB194 BE CONCURRED IN. This motion passed unanimously.

ACTION ON HOUSE JOINT RESOLUTION 23: Senator Halligan moved that HJR23 BE ADOPTED. This motion carried with Senator Brown voting in opposition.

ACTION ON HOUSE BILL 642: Counsel for the Committee distributed proposed amendments and reviewed. Senator Mazurek was concerned with privately owned clubs which are not open to the public. Senator Crippen moved that the proposed amendments to HB642 BE ADOPTED. This motion carried unanimously. Senator Galt moved that HB642 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

ACTION ON HOUSE BILL 660: Senator Crippen moved to TABLE HB660. This motion carried with Senator Berg voting in opposition.

ACTION ON HOUSE BILL 575: Senator Mazurek stated he had made an error in tabling this bill and made a motion to reconsider that action. This motion carried unanimously. Senator Mazurek then moved that HB575 BE CONCURRED IN. This motion carried unanimously and it was agreed Senator Mazurek would carry the bill.

ACTION ON HOUSE BILL 250: Senator Mazurek was concerned that a \$500 to \$1,000 fine would mean that the crime was no longer triable in justice court and would have to go to district court. Senator Shaw stated that he wasn't sure a mandatory sentence would help habitual offenders.

STANDING COMMITTEE REPORT

March 10

19 83

PRESIDENT

MR.

Judiciary

We, your committee on

having had under consideration House Bill No. 575

Lory (Mazurek)

Respectfully report as follows: That House Bill No. 575

third reading bill, be amended as follows:

1. Title, line 7.
Following: "71-3-1112"
Strike: "AND"
Insert: ", "
2. Title, line 7.
Following: "71-3-1113,"
Insert: "AND 39-71-743,"
3. Page 2.
Following: line 8.
Insert: "SECTION 3. SECTION 39-71-743, MCA, IS AMENDED TO READ:
39-71-743. Assignment or attachment of payments.
(1) No payment under this chapter shall be assignable,
subject to attachment or garnishment or be held liable

And, as so amended,

(Continued on Page 2)

~~DOXASSX~~ BE CONCURRED IN

4/6

March 10,

83

19

3. (Continued)

In any way for debts, except as provided in section 71-3-1118, MCA.

(2) After determination that the claim is covered under the workers' compensation or occupational disease acts the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. No fee or charge shall be payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer."

And, as so amended,

BE CONCURRED IN